

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**GILBERT DEVON MELVIN,
Plaintiff,**

Civil Action No. 7:20-cv-00322

v.

OPINION

**WARDEN BRECKON, et al,
Defendant(s),**

**By: James P. Jones
United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. §1983. By order entered March 16, 2021, the court directed plaintiff to submit within 10 days from the date of the order the remaining balance of the filing fee or otherwise respond. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 10 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 31st day of March, 2021.

/s/James P. Jones
United States District Judge